

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

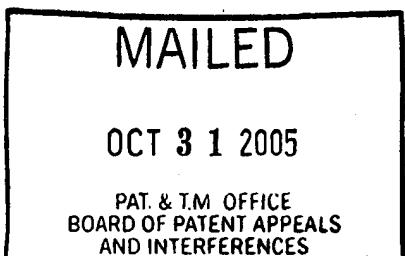
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RANDALL B. METCALF

Appeal No. 2005-2340
Application 08/749,766

HEARD: October 19, 2005



Before HAIRSTON, BARRETT, and LEVY, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1, 29, 30 and 56 through 109.

The disclosed invention relates to a sound system for recording and reproducing sounds produced by a plurality of sound sources. Each of the sounds from the plurality of sound sources

is separately received and recorded without any mixing of the sound from another sound source. During reproduction, each of the sound sources is retrieved and played without any mixing with sound from another source.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A sound system for capturing and reproducing sounds produced by a plurality of sound sources, comprising:

means for separately receiving sounds produced by the plurality of sound sources;

means for converting the separately received sounds to a plurality of separate audio signals without mixing the audio signals;

means for separately storing the plurality of separate audio signals without mixing the audio signals;

means for separately retrieving over separate signal paths the stored audio signals;

an amplification network comprising a plurality of amplifier means under common control, with separate amplifier means in the separate signal paths for separately amplifying each of the separate audio signals, each of the amplifier means comprising one or more amplifier elements;

a loudspeaker network comprising a plurality of loudspeaker means, with separate loudspeaker means in the separate signal paths for reproducing the separately amplified audio signals; and

a dynamic control means for individually controlling each of the amplifier means to enable automatic simultaneous control over the amplifier means.

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The references relied on by the examiner are:

Phinney	1,765,735	June 24, 1930
Camras	3,158,695	Nov. 24, 1964
Herleman et al. (Herleman)	3,540,545	Nov. 17, 1970
Ariga et al. (Ariga)	4,408,095	Oct. 4, 1983
Edwards	4,422,048	Dec. 20, 1983
de Koning et al. (de Koning)	4,481,660	Nov. 6, 1984
Odom	5,740,260	Apr. 14, 1998

(filed May 22, 1995)

Claims 1, 29, 30, 108 and 109 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phinney in view of Odom.

Claims 56 through 63, 69, 82 through 89 and 95 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phinney in view of Odom and Herleman.

Claims 67, 68, 70 through 77, 93, 94 and 96 through 103 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phinney in view of Odom and Edwards.

Claims 80 and 106 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phinney in view of Odom, Edwards and Herleman.

Claims 64, 65, 81, 90, 91 and 107 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phinney in view of Odom and Camras.

Claims 66 and 92 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phinney in view of Odom and Ariga.

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Claims 78, 79, 104 and 105 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phinney in view of Odom and de Koning.

Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the 35 U.S.C. § 103(a) rejections of claims 1, 29, 30 and 56 through 109.

According to the examiner's findings (answer, pages 3 through 6), Phinney discloses all of the claimed elements of claim 1 except for "the amplifier means being under common control and a dynamic control means for individually controlling each of the amplifier means to enable automatic simultaneous control over the amplifier means." Since "Odom discloses a sound processor interface that individually controls volume on a plurality of audio channels (column 3, lines 15-30, 56-60)," the examiner is of the opinion (answer, page 6) that it would have been obvious to the skilled artisan to provide such individual volume control (i.e., amplifier control) to each of the amplifiers in Phinney.

Appellant argues inter alia (brief, page 22) that:

[P]rocessing by the digital processor is not simultaneous [in Odom], but rather sequential. The processor scans each channel separately and then provides the parameters for each channel (Odom, column 3, lines 41-47). Therefore, Odom does not disclose a dynamic control means for individually controlling each of the amplifier means to enable automatic simultaneous control over the amplifier means.

We agree with appellant's argument. Although Odom individually controls volume on a plurality of channels by a central processor (Figure 1), "the processor repeatedly scans all channels and provides all parameters for each channel within an allocated time frame" (Abstract). The scan rate of the individual channels may be rapid (column 3, lines 41 through 47; column 6, lines 1 through 14; column 7, line 63 through column 8, line 2; column 9, lines 1 through 8), but such scanning is still done sequentially¹, and not simultaneously as set forth in the claims on appeal. Thus, the obviousness rejection of claims 1, 29, 30, 108 and 109 is reversed.

The obviousness rejections of claims 56 through 107 are reversed because the teachings of Herleman, Edwards, Camras, Ariga and de Koning do not cure the noted shortcoming in the teachings of Phinney and Odom.

¹ The examiner acknowledges (answer, page 21) that the scanning in Odom is done in a sequential manner.

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DECISION

The decision of the examiner rejecting claims 1, 29, 30 and 56 through 109 under 35 U.S.C. § 103(a) is reversed.

REVERSED



KENNETH W. HAIRSTON)
Administrative Patent Judge)
LEE E. BARRETT)
Administrative Patent Judge)
STUART S. LEVY)
Administrative Patent Judge)

BOARD OF PATENT
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